

REMARKS

In the Office Action dated July 6, 2006, claims 86, 87, 89, 90, 92, and 94-123 were presented for examination. Claims 100-103, 105-108, 110-115, 117-121, and 123 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Waits et al*, U.S. Patent No. 5, 721,831 in view of *Gisby*, U.S. Patent No. 6,118,865. Claims 86, 87, 90, 90, 92, 94-97, 99, 104, and 116 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Waits et al*, U.S. Patent No. 5,721,831 in view of *Gisby*, U.S. Patent No. 6,118,865, and further in view of *Goss et al.*, U.S. Patent No. 6,654,815. Claims 109 and 122 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Waits et al.*, U.S. Patent No. 5,721,831 in view of *Gisby*, U.S. Patent No. 6,118,865, and further in view of Admitted Prior Art. Claim 98 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Waits et al.*, U.S. Patent No. 5,721,831, *Gisby*, U.S. Patent No. 6,118,865, *Goss et al.*, U.S. Patent No. 6,654,815, and further in view of Admitted Prior Art.

The following remarks are provided in support of the pending claims and responsive to the Office Action of July 6, 2006 for the pending application.

I. Interview With Examiner Rines

On December 13, 2006, Applicant's Attorney had an interview with Examiner Rines and Examiner Gilligan. During the interview, the Applicant's Attorney presented a proposed amendment to claim 100 to further define Applicant's invention over the prior art of record. More specifically, it was discussed how the primary referenced in the outstanding rejection pertains to monitoring telephone calls at a call center. It was agreed that there appears to be patentable differences between Applicant's invention and the prior art of record, and that Applicant's response to the outstanding Office Action will focus on further defining their invention over the prior art of record.

II. Rejection of Claims 100-103, 105-108, 110-115, 117-121, and 123 under 35 U.S.C. §103(a)

In the Office Action dated July 6, 2006, the Examiner assigned to the application rejected claims 100-103, 105-108, 110-115, 117-121, and 123 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Waits et al.*, U.S. Patent No. 5, 721,831 in view of *Gisby*, U.S. Patent No. 6,118,865.

Applicant's prior remarks pertaining to both *Waits et al.* and *Gisby*. Are hereby incorporated by reference.

Pursuant to the Examiner interview of December 13, 2006, Applicant has amended claims 100 and 111, and has added claims 125 and 126 to further define the invention over the prior art of record. More specifically, Applicant has amended the claims to distinguish Applicant's invention from the prior art. Support for the amendments can be found in the following portions of the specification: page 23, line 27, page 24, lines 17-27, and page 30, lines 20-22. As noted by the Examiner, Applicant's claims have several limitations not met by *Waits et al.* Such limitations include a failure to monitor a lead within an assigned station, to move a lead to another station, and to communicate an alert in response to neglect of a lead. See Office Action dated July 6, 2006, page 4. Although the Examiner borrows *Gisby* as a motivation for the limitations not met by *Waits et al.*, *Gisby* is an invention that pertains to a telephone call center and for providing an "automated auto-dialer" to place a call and attempt to reconnect with a disconnected caller. *Gisby* does not pertain to managing actions and reactions of individual leads in a lead management system.

More specifically, *Gisby* does not address the limitations of Applicant's amended claims 100 and 111. *Gisby* does not address an electronic communication, such as an email communication, sent to a user in the system that is responsible for managing neglected leads. Applicant specifically claims how the email communication is actually transmitted to a different user than the user who is responsible for the neglect and how the lead remains in the current

station of the management system until such time as the lead is routed to another user. There is no motivation in *Gisby* to have a message communicated to an alternate party in the system. Nor is there a teaching for the lead to remain in the management system. Rather, *Gisby* focuses on re-establishing the connection of the disconnected user to the system. There is no physical disconnection of the lead in Applicant's claimed invention from the management system. Furthermore, Applicant claims the routing of the user to an alternate user in response to the neglect. *Gisby* does not address a user in the system neglecting a lead and an alternate user connecting with the lead to attempt to salvage management of the lead. Rather, *Gisby* is limited to a physical telephone line disconnection of a caller and re-establishing the connection.

It is clear that *Gisby* does not teach the omitted limitations elaborated on above. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."¹ To read *Gisby* as providing the structure that supports any of these noted differences would require a modification to the invention of *Gisby* not envisioned or taught. The only suggestion for a system that utilizes any or all of these noted differences is derived from Applicant's invention. Absent Applicant's invention, there is no suggestion or motivation within the combination of *Waits et al.* and *Gisby* for such a modification. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of the above noted claims.

III. Rejection of Claims 86-87, 89-90, 92, 94-97, 99, 104, and 116 under 35 U.S.C. §103(a)

In the Office Action dated July 6, 2006, the Examiner assigned to the application rejected claims 86, 87, 89, 90, 92, 94-97, 99, 104, and 116 under 35 U.S.C. §103(a) as being unpatentable over *Waits et al.*, U.S. Patent No. 5, 721,831 in view of *Gisby*, U.S. Patent No. 6,118,865, and further in view of *Goss et al.*, U.S. Patent No. 6,654,815.

¹MPEP §2143.03

Applicant's prior remarks pertaining to both *Waits et al.* and *Gisby* are hereby incorporated by reference.

As noted by the Examiner during the interview of December 13, 2006, *Goss et al.* was used as a tertiary reference to obviate the use of a time interval within a management system. Applicant has amended claim 86 to further define Applicant's invention over the primary and secondary references cited herein. More specifically, Applicant has amended claim 86 to address use of an electronic communication to an alternate user in the management system in response to neglect of a lead. Support for the amendments to claim 86 can be found in the specification on page 24, lines 17-27. Applicant has also amended claim 86 to address hierarchical management of users in the management system. There is no teaching in the combination of *Waits et al.*, *Gisby*, and *Goss et al.* for a hierarchical management system in combination with the electronic communication as claimed by Applicant. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."² Accordingly, Applicant respectfully requests that the Examiner remove the rejection of the above-noted claims.

IV. Conclusion

Applicant has canceled claims 98, 109, and 122, and as such the rejection is now moot.

It is Applicant's position that the prior art of record does not address all of the limitations claimed by Applicant. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner indicate allowability of claims 86, 87, 89, 90, 92, 94-97, 99-108, 110-121, and 123-126, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

² MPEP §2143.03

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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